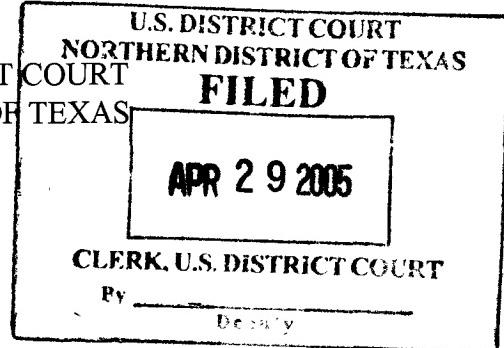


IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF
TEXAS
AMARILLO DIVISION



HENNESSEY HUNT,

Petitioner,

v.

2:05-CV-0021

DOUGLAS DRETKE, Director,
Texas Department of Criminal
Justice, Institutional Division,

Respondent.

ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION,
and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS

Came this day for consideration the petition for a federal writ of habeas corpus filed by petitioner HENNESSEY HUNT wherein petitioner challenges the result of a prison disciplinary proceeding. Said habeas petition was filed without prepayment of the required \$5.00 filing fee. Instead, petitioner submitted, with his petition for habeas relief, evidence that he had authorized his institution to disburse the requisite funds from his trust account by properly completing and submitting to the prison a Form I-25 entitled "Inmate Request for Withdrawal." Such Form I-25 was dated November 23, 2004 and requested payment to the Eastern District of Texas, Tyler Division.¹

On March 21, 2005, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the petition for a writ of habeas

¹This case was originally filed with the Tyler Division of the Eastern District of Texas but was subsequently transferred to this Court.

corpus filed by petitioner be dismissed for failure to pay the \$5.00 filing fee. On March 29, 2005, petitioner filed objections to the Report and Recommendation advising therein that he was unaware of a hold placed on his inmate trust fund account, that such hold was to be lifted April 10, 2005, and requesting additional time to pay the requisite filing fee. On March 29, 2005, the Magistrate Judge granted such request allowing petitioner until April 20, 2005 to pay the fee. Petitioner was admonished that it was his responsibility to monitor the disbursement of funds and that if no payment had been received by the deadline, the case would be subject to dismissal. The Court has allowed petitioner additional time in which to pay the fee, however, as of this date, the \$5.00 filing fee has not been paid.²

The undersigned United States District Judge has made an independent examination of the record in this case. The objections filed by petitioner are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner HENNESSEY HUNT is hereby DISMISSED. Let judgment be entered accordingly.

IT IS SO ORDERED.

ENTERED this 29th day of April 2005.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE

²The Clerk of this Court verified with the Eastern District of Texas, Tyler Division that no fee had been received by them to date.